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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,499	08/22/2000	Robert Floyd Payne	TI-28881	9182

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EXAMINER

LE, AMANDA T

ART UNIT PAPER NUMBER

2634

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DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

Office Action Summary

Application No.

09/643,499

Applicant(s)

PAYNE, ROBERT FLOYD

Examiner

Amanda T Le

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8-15, 17 is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 6, 7 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dhara.

Regarding claims 1, 2, 6 and 7, Dhara discloses a frame synchronizer comprising the following claimed limitations: “instructing the circuit to output a serial bitstream that conforms to a defined bit sequence” (col. 1, lines 14-30, col. 2, lines 49-50), “sampling a plurality of selected bits in said bitstream to determine a state of each of said selected bits, each of said selected bits being separated from other selected bits in said bitstream by at least one nonselected bit, sampling every Nth bit of said bit stream” (col. 2, line 67-col. 3, line 8), “determining whether said state obtained by said sampling for each said selected bit conforms to an expected state therefor according to said defined bit sequence” (col. 3, lines 15-26).

As to claim 16, Dhara further teaches "a pattern generator operable to produce a serial bit sequence ..." (Fig. 1, element 18).

Allowable Subject Matter

3. Claims 3-5, 8-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record, taken alone or collectively, fails to incorporate in the manner as claimed the limitations of "the defined bit sequence includes N successive subsequences, and including the step of shifting sampling times relative to said bitstream by one bit width at the end of each said subsequence", "the defined bit sequence includes a plurality of successive groups of N bits, each said group having one bit which corresponds to a respective one of said selected bits in said serial bitstream, and having N-1 further bits which each have a logical state that is the inverse of the logical state of said one bit" or "the control circuit operates in response to an input clock from an input port; and wherein said error detecting section includes a counter operable to count pulses of said input clock, said counter having an output which is coupled to an output port of said apparatus."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Omura et al discloses a semiconductor testing apparatus for testing semiconductor

Art Unit: 2634

device including built in self test circuit. Schneider discloses a serial/parallel GHz transceiver with pseudo-random built in self test pattern generator. Dwork discloses an apparatus for detecting a prescribed pattern in a data stream by selectively skipping groups of nonrelevant data bytes. Chaisemartin discloses an apparatus for detecting a binary pattern in a serial transmission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Amanda Le** whose telephone number is (703) 305-4769.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at (703) 305-4714.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


AMANDA T. LE
PRIMARY EXAMINER